

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, *et al.*

Plaintiffs,

vs.

TYSON FOODS, INC., *et al.*

Defendants.

Case No. 05CV0329GKF-PLC

DEFENDANTS' REQUESTED VOIR DIRE

Defendants, Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Poultry, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc, Simmons Foods, Inc, Cargill, Inc., Cargill Turkey Production, LLC, Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., George's Inc., and George's Farms, Inc., hereby submit the questions they request the Court pose to the jury during the voir dire in this case. Defendants submit these questions as supplementation and follow-up to the questions previously posed to the prospective jurors via the Juror Questionnaire.

1. Will you follow and apply the law that I explain to you whether you agree with the law or not?
2. The parties in this case are the State of Oklahoma as the plaintiff, and the following companies as Defendants:

PETERSON FARMS, INC.,

SIMMONS FOODS, INC.

TYSON FOODS, INC.,

TYSON POULTRY, INC.,

TYSON CHICKEN, INC.,

COBB-VANTRESS, INC.,

CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC.,
CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC.,
GEORGE'S FARMS, INC.

- a. Do you or someone close to you have any affiliation with any party in this case?
- b. Is there anything about your experiences with or affiliation to one of the parties in this lawsuit that would prevent you from being a fair and impartial juror to both sides?
3. Do you have any strong opinions about poultry companies or about any of these Defendants that could affect your ability to be a completely fair and impartial juror in this case?
4. This is a civil case in which the State of Oklahoma is charging Defendants with violations of a state environmental law. The State of Oklahoma has the burden of proving its case by producing evidence. The defendants do not have to produce any evidence in this case.
 - a. Do you accept this rule of law that only the plaintiffs have the burden of proof?
 - b. Does anyone think the defendants have to prove they did nothing wrong?
5. Do you have any ethical, religious, political, or other beliefs that may prevent you from serving as a juror in this case?
6. Do you have any problems such as vision, hearing, medical, language or other problems that may affect your jury service?
7. Can you think of any reason why you could not sit on the jury and render a fair verdict based only on the evidence and the law as the court will instruct you?
8. Has anything occurred during this question period that might you doubt that you would be completely fair and impartial in this case?
 - a. If so, it is your duty to tell the Court at this time.
9. I read to you a list of Defendants that are parties in this case. Are you more inclined to believe or disbelieve the Defendants' allegations because one or more of these companies is involved?

10. The Attorney General of Oklahoma is a party in this case. Are you more inclined to believe or disbelieve the State's allegations because the Attorney General is involved?
11. Have you seen or heard any speech, interview or presentation involving the Attorney General that discussed water quality or the poultry industry?
 - a. Describe
 - b. Did this information lead you to any opinions pertaining to the dispute between the Attorney General and certain poultry companies
12. Have you ever met the Oklahoma Attorney General in person?
 - a. When, where, circumstances
13. Have you ever heard of Drew Edmondson?
 - a. If yes, please explain how you are familiar with Drew Edmondson and what you have heard about him.
14. Have you ever made a donation to Drew Edmondson in connection with his political campaigns?
15. Do you have any strong opinions about the role that the government should take in controlling pollution of the environment?
 - a. Please explain.
16. Have you, a family member, or someone close to you had any problems with any kind of pollution? If yes, please describe.
17. Do you, a family member, or anyone you know have anything to gain from the outcome of this case?
18. Do you have the opinion that the water quality in the Illinois River and its tributaries is any different than the water in other Oklahoma rivers and streams?
 - a. Explain
19. Do you have the opinion that the water quality in Tenkiller Ferry Lake is any different than the water in other Oklahoma lakes?
 - a. Explain
20. Do you have a favorite Oklahoma lake that you visit?
 - a. Which one
 - b. Why
21. Do you have a least favorite Oklahoma lake that you have visited?

- a. Which one
 - b. Why
- 22. Do you own a boat?
 - a. How do you use it, how often?
 - b. Where do you use it, why there?
- 23. Do you have an opinion that fishing in Tenkiller Ferry Lake or the Illinois River and its tributaries has gotten better or worse over the last 10 years?
 - a. Which
 - b. Why
- 24. Do you have an opinion that water quality in Tenkiller Ferry Lake or the Illinois River and its tributaries has gotten better or worse over the last 10 years?
 - a. Which
 - b. Why
- 25. If you have a positive opinion about the quality of the water in Tenkiller Ferry Lake or the Illinois River, do you believe there is any reason to be afraid that the quality of water there may become bad or worse than it is now at some time in the future?
 - a. Why
- 26. Have you ever floated or canoed on the Illinois River?
 - a. When
 - b. Where
 - c. Impressions
- 27. Have you ever boated on Tenkiller Ferry Lake?
 - a. When
 - b. Where
 - c. Impressions
- 28. Do you or any of your family members ever swim at the Illinois River?
 - a. When
 - b. Where
 - c. Impressions
- 29. Do you or any of your family members ever swim on Tenkiller Ferry Lake?
 - a. When
 - b. Where
 - c. Impressions
- 30. Do you have an opinion whether or not farmers and ranchers care about the environment?

- a. What is it?
 - b. Basis for opinion
 - c. Does your opinion vary depending on the type of farm or ranch?
31. Do you have any opinions about poultry farmers, positive or negative?
 - a. What are they?
 - b. Basis for opinion
32. Do you have any opinions about cattle ranchers, positive or negative?
 - a. What are they?
 - b. Basis for opinion
33. Do you have any concerns about our nation's ability to meet its needs for food in the future?
 - a. Explain
34. Do you have an opinion about the safety of our nation's food supply?
 - a. Explain
35. Are you aware of the tort reform law passed in Oklahoma?
 - a. Are you in favor of or against tort reform?
36. Are you on well water at your home?
 - a. If so, how would you describe the quality of the water?
 - b. How deep is your well?
 - c. How long have you been on this system?
 - d. Do you or your family members drink the water from your system at home?
37. Do you use a water filter of any type at home? If so, why?
38. Do you or your family members drink bottled water at home? If so, why?
39. Do you believe that politicians in Arkansas treat poultry companies the same as other companies in Arkansas?
 - a. If no, please explain.
 - b. What are you relying on for your answer?
40. The newspapers have had a number of articles about the disagreements between the State of Oklahoma on one side, and the poultry companies on the other side. Please describe what if anything you have read about this.
 - a. If you have read articles about the disputes, please describe your reaction to what you read.

- b. Have you discussed any of these articles with other people? And, if so, please describe the conversations?
- 41. Have you seen any television or heard any radio news stories about the disagreements between the State of Oklahoma and the poultry companies?
 - a. If yes, please describe what you have seen or heard?
 - b. What is your reaction to what you have seen or heard?
- 42. Please describe what you have heard about this lawsuit?
 - a. Do you have an opinion about how this lawsuit should be decided? If so, what is it?
- 43. Have you talked to any friends, co-workers or neighbors about this lawsuit?
 - a. If so, please explain.
 - b. What opinions, if any, did these people express to you?
 - c. What opinions, if any, did you express to them about this lawsuit?
- 44. Did you come here today with any opinions about this lawsuit or who should win it?
 - a. If so, what are your opinions?
- 45. While waiting with the other potential jurors in this case, did you overhear any conversations about the lawsuit?
 - a. If so, describe them.
- 46. After you received your juror questionnaire, did you talk to anyone about the lawsuit?
 - a. If so, who?
 - b. Did that person express any opinions to you about the lawsuit? If so, what were they?
- 47. If you are selected to serve on this jury, can you commit to the parties that you will start both sides off evenly and that neither side will have a head start?
- 48. If you are selected to serve on this jury, can you commit that you will be able to judge the evidence objectively and render a fair and impartial verdict even though this case has been brought and filed on behalf of the State of Oklahoma and you are citizens of Oklahoma, whereas the defendants are out of state corporations?

The defendants also request the opportunity to formulate follow-up questions derived from the responses of the potential jurors to the “Juror Questionnaire.”

Respectfully submitted,

/s/ James M. Graves

James M. Graves (OB #16657)
Woody Bassett (*appearing pro hac vice*)
K.C. Dupps Tucker (*appearing pro hac vice*)
BASSETT LAW FIRM LLP
221 North College Avenue
P.O. Box 3618
Fayetteville, AR 72702-3618
(479) 521-9996
(479) 521-9600 Facsimile

-And-

Randall E. Rose (OB #7753)
George W. Owens
THE OWENS LAW FIRM, P.C.
234 West 13th Street
Tulsa, OK 74119
(918) 587-0021
(918) 587-6111 Facsimile

**ATTORNEYS FOR GEORGE’S, INC. and GEORGE’S FARMS,
INC., and for purposes of this document, for all Defendants**

John H. Tucker, OBA #9110
Theresa Noble Hill, OBA #19119
Leslie Jane Southerland
Colin Hampton Tucker
RHODES, HIERONYMUS, JONES, TUCKER & GABLE, PLLC
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, OK 74121-1100
Telephone: (918) 582-1173

Facsimile: (918) 592-3390
-and-

Terry Wayen West
THE WEST LAW FIRM
-and-

Delmar R. Ehrich
Bruce Jones
Krisann C. Kleibacker Lee
Todd P. Walker
Christopher H. Dolan
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Telephone: (612) 766-7000
Facsimile: (612) 766-1600
-and-
Dara D. Mann
MCKENNA, LONG & ALDRIDGE, LLP

**ATTORNEYS FOR CARGILL, INC. and CARGILL
TURKEY PRODUCTION, LLC**

Stephen L. Jantzen, OBA #16247
Patrick M. Ryan, OBA #7864
Paula M. Buchwald
RYAN, WHALEY, COLDIRON & SHANDY, P.C.
119 North Robinson
900 Robinson Renaissance
Oklahoma City, OK 73102
Telephone: (405) 239-6040
Facsimile: (405) 239-6766
-and-

Thomas C. Green, Esq.
Mark D. Hopson, Esq.
Timothy K. Webster, Esq.
Jay T. Jorgensen, Esq.
Gordon D. Todd
SIDLEY AUSTIN BROWN & WOOD LLP
1501 K Street, N.W.
Washington, D.C. 20005-1401
Telephone: (202) 736-8700

Facsimile: (202) 736-8711
-and-

Robert W. George, OBA #18562
L. Bryan Burns
Tyson Foods Legal Dept.

Michael R. Bond
Erin W. Thompson
KUTAK ROCK LLP
The Three Sisters Building
214 West Dickson Street
Fayetteville, AR 72701-5221
Telephone: (479) 973-4200
Facsimile: (479) 973-0007

**ATTORNEYS FOR TYSON FOODS, INC.; TYSON POULTRY,
INC.; TYSON CHICKEN, INC.; and COBB-VANTRESS, INC.**

A. Scott McDaniel, OBA # 16460
Nicole M. Longwell, OBA #18771
Philip D. Hixon, OBA #19121
Craig A. Mirkes, OBA #20783
McDANIEL, HIXON, LONGWELL & ACORD, PLLC
320 South Boston Avenue, Suite 700
Tulsa, OK 74103
Telephone: (918) 382-9200
Facsimile: (918) 382-9282
-and-

Sherry P. Bartley (*Appearing Pro Hac Vice*)
MITCHELL, WILLIAMS, SELIG, GAGES &
WOODYARD, P.L.L.C.
425 W. Capitol Avenue, Suite 1800
Little Rock, AR 72201
Telephone: (501) 688-8800

ATTORNEYS FOR PETERSON FARMS, INC.

Robert E. Sanders
E. Stephen Williams
YOUNG WILLIAMS P.A
2000 AmSouth Plaza
P.O. Box 23059
Jackson, MS 39225-3059
Telephone: (601) 948-6100
Facsimile: (601) 355-6136
-and-

Robert P. Redemann, OBA #7454
Lawrence W. Zeringue, OBA #9996
David C. Senger, OBA #18830
PERRIN, McGIVERN, REDEMANN, REID, BERRY & TAYLOR,
P.L.L.C.
P.O. Box 1710
Tulsa, OK 74101-1710
Telephone: (918) 382-1400
Facsimile: (918) 382-1499

**COUNSEL FOR CAL-MAINE FOODS, INC.
and CAL-MAINE FARMS, INC.**

R. Thomas Lay, OBA #5297
KERR, IRVINE, RHODES & ABLES
201 Robert S. Kerr Ave., Suite 600
Oklahoma City, OK 73102
Telephone: (405) 272-9221
Facsimile: (405) 236-3121

-and-

Jennifer S. Griffin (*appearing pro hac vice*)
David G. Brown (*appearing pro hac vice*)
LATHROP & GAGE, L.C.
314 East High Street
Jefferson City, MO 65101
Telephone: (573) 893-4336
Facsimile: (573) 893-5398

ATTORNEYS FOR WILLOW BROOK FOODS, INC.

John R. Elrod, Esq.
Vicki Bronson, OBA #20574
P. Joshua Wisley
Bruce W. Freeman
D. Richard Funk
CONNER & WINTERS, LLP
211 East Dickson Street
Fayetteville, AR 72701

Telephone: (479) 582-5711
Facsimile: (479) 587-1426

ATTORNEYS FOR SIMMONS FOODS, INC.

CERTIFICATE OF SERVICE

I certify that on the 14th day of September, 2009, I electronically transmitted the attached document to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General

fc_docket@oag.state.ok.us
kelly_burch@oag.state.ok.us

Melvin David Riggs

driggs@riggsabney.com

Joseph P. Lennart
Richard T. Garren
Sharon K. Weaver
Robert Allen Nance
Dorothy Sharon Gentry
David P. Page
Riggs Abney Neal Turpen Orbison & Lewis

jlennart@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com
rnance@riggsabney.com
sgentry@riggsabney.com
dpage@riggsabney.com

Louis W. Bullock
Robert M. Blakemore
Bullock, Bullock & Blakemore

lbullock@mkblaw.net
bblakemore@bullockblakemore.com

Frederick C. Baker
William H. Narwold
Lee M. Heath
Elizabeth Claire Xidis
Ingrid L. Moll
Jonathan D. Orent
Michael G. Rousseau
Fidelma L. Fitzpatrick
Motley Rice, LLC

fbaker@motleyrice.com
bnarwold@motleyrice.com
lheath@motleyrice.com
exidis@motleyrice.com
imoll@motleyrice.com
jorent@motleyrice.com
mrousseau@motleyrice.com
ffitzpatrick@motleyrice.com

COUNSEL FOR PLAINTIFFS, STATE OF OKLAHOMA

Stephen L. Jantzen
Patrick M. Ryan
Paula M. Buchwald
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com
pryan@ryanwhaley.com
pbuchwald@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Thomas C. Green
Gordon D. Todd
Sidley Austin LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
tcgreen@sidley.com
gtodd@sidley.com

Robert W. George
L. Bryan Burns

robert.george@tyson.com
bryan.burns@tyson.com

Michael Bond
Erin W. Thompson
Kutak Rock LLP

michael.bond@kutakrock.com
erin.thompson@kutakrock.com

COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.; AND COBB-VANTRESS, INC.

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
David Gregory Brown
Lathrop & Gage, L.C.

jgriffin@lathropgage.com

COUNSEL FOR WILLOW BROOK FOODS, INC.

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

rredemann@pmrlaw.net
lzeringue@pmrlaw.net
dsenger@pmrlaw.net

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

A. Scott McDaniel
Nicole Longwell
Philip Hixon
Craig A. Mirkes
McDaniel, Hixon, Longwell & Acord, PLLC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmirkes@mhla-law.com

Sherry P. Bartley
Mitchell, Williams, Selig, Gates & Woodyard, PLLC
COUNSEL FOR PETERSON FARMS, INC.

sbartley@mws gw.com

John R. Elrod
Vicki Bronson
P. Joshua Wisley
Bruce W. Freeman
D. Richard Funk
Conner & Winters, LLLP
COUNSEL FOR SIMMONS FOODS, INC.

jelrod@cwlaw.com
vbronson@cwlaw.com
jwisley@cwlaw.com
bfreeman@cwlaw.com
rfunk@cwlaw.com

John H. Tucker
Colin H. Tucker
Theresa Noble Hill
Rhodes, Hieronymus, Jones, Tucker & Gable

jtuckercourts@rhodesokla.com
chtucker@rhodesokla.com
thillcourts@rhodesokla.com

Terry W. West
The West Law Firm

terry@thewestlawfirm.com

Delmar R. Ehrich
Bruce Jones
Krisann Kleibacker Lee
Todd P. Walker
Christopher H. Dolan
Faegre & Benson LLP

dehrich@faegre.com
bjones@faegre.com
kklee@faegre.com
twalker@faegre.com
cdolan@faegre.com

COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC

Michael D. Graves
D. Kenyon Williams, Jr.
Hall, Estill, Hardwick, Gable, Golden & Nelson

mgraves@hallestill.com
kwilliams@hallestill.com

COUNSEL FOR POULTRY GROWERS/ INTERESTED PARTIES/ POULTRY PARTNERS, INC.

Charles Moulton, Sr. Assistant Attorney General
Kendra Akin Jones, Assistant Attorney General

charles.moulton@arkansasag.gov
Kendra.Jones@arkansasag.gov

Office of the Attorney General

COUNSEL FOR STATE OF ARKANSAS AND THE ARKANSAS NATURAL RESOURCES COMMISSION

Richard Ford
LeAnne Burnett
Crowe & Dunlevy

richard.ford@crowedunlevy.com
leanne.burnett@crowedunlevy.com

COUNSEL FOR OKLAHOMA FARM BUREAU, INC.

Robin S. Conrad
National Chamber Litigation Center

rconrad@uschamber.com

Gary S. Chilton
Holladay, Chilton and Degiusti, PLLC

gchilton@hcdattorneys.com

COUNSEL FOR US CHAMBER OF COMMERCE AND AMERICAN TORT REFORM ASSOCIATION

Mark Richard Mullins
McAfee & Taft

richard.mullins@mcafeetaft.com

COUNSEL FOR TEXAS FARM BUREAU; TEXAS CATTLE FEEDERS ASSOCIATION; TEXAS PORK PRODUCERS ASSOCIATION AND TEXAS ASSOCIATION OF DAIRYMEN

Mia Vahlberg
Gable Gotwals

mvahlberg@gablelaw.com

James T. Banks
Adam J. Siegel
Hogan & Hartson, LLP

jtbanks@hhlaw.com
ajsiegel@hhlaw.com

COUNSEL FOR NATIONAL CHICKEN COUNCIL; POULTRY AND EGG ASSOCIATION & NATIONAL TURKEY FEDERATION

John D. Russell
Fellers, Snider, Blankenship, Bailey & Tippens, PC

jrussell@fellerssnider.com

William A. Waddell, Jr.
David E. Choate
Friday, Eldredge & Clark, LLP

waddell@fec.net
dchoate@fec.net

COUNSEL FOR ARKANSAS FARM BUREAU FEDERATION

Barry Greg Reynolds
Jessica E. Rainey
Titus, Hillis, Reynolds, Love, Dickman & McCalmon

reynolds@titushillis.com
jrainey@titushillis.com

Nikaa Baugh Jordan
William S. Cox, III
Lightfoot, Franklin & White, LLC

njordan@lightfootlaw.com
wcox@lightfootlaw.com

COUNSEL FOR AMERICAN FARM BUREAU AND NATIONAL CATTLEMEN'S BEEF ASSOCIATION

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

Thomas C. Green
Sidley Austin Brown & Wood, LLP
1501 K. St. NW
Washington, DC 20005

Cary Silverman
Victor E. Schwartz
Shook, Hardy & Bacon LLP
600 14th St. NW. Ste. 800
Washington, DC 20005-2004

Dustin McDaniel
Justin Allen
Office of the Attorney General (Little Rock)
323 Center Street, Suite 200
Little Rock, AR 72201-2610

J.D. Strong
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118

Steven B. Randall
58185 County Road 658
Kansas, OK 74347

George R. Stubblefield
HC 66 Box 19-12
Proctor, OK 74457

/s/ James Graves
James Graves